

APR/6645
JRW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Maria L. Gennaro Art Unit : 1645
 Serial No. : 10/009,383 Examiner : Rodney P. Swartz
 Filed : November 2, 2003 AUG 23 2004
 Title : PROTEINS EXPRESSED BY MYCOBACTERIUM TUBERCULOSIS AND
 NOT BY BCG AND THEIR USE AS DIAGNOSTIC REAGENTS AND
 VACCINES

MAIL STOP AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the action dated March 23, 2004, finally rejecting claims 1-18 and 35-54.

A petition for an extension of time under 37 CFR §1.136 to extend the time to respond to the final rejection for 2 month(s) to and including August 23, 2004, and an Amendment and Response is enclosed.

08/24/2004 AWONDAF1 00000059 10009383

01 FC:2401

165.00 OP

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 19, 2004

Date of Deposit

Jennifer Mavronas

Signature

Jennifer Mavronas

Typed or Printed Name of Person Signing Certificate

Applicant :: Maria L. Gennaro
Serial No. : 10/009,383
Filed : November 2, 2001
Page : 2 of 2

Attorney's Docket No.: 07763-043001

A check in the amount of \$165 for the appeal fee is enclosed. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 4/19/04



Stuart Macphail, Ph.D., J.D.
Reg. No. 44,217

Fish & Richardson P.C.
45 Rockefeller Plaza, Suite 2800
New York, New York 10111
Telephone: (212) 765-5070
Facsimile: (212) 258-2291

30200690.doc